

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

JILL HINES, ET AL.

CIVIL ACTION NO. 3:23-CV-00571

VERSUS

CHIEF JUDGE TERRY A. DOUGHTY

ALEX STAMOS, ET AL.

MAGISTRATE JUDGE MCCLUSKY

**DEFENDANT THE ASPEN INSTITUTE’S MOTION FOR LEAVE TO FILE
UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE
PLEADINGS TO PLAINTIFFS’ FIRST AMENDED COMPLAINT**

Defendant The Aspen Institute (“Aspen”) respectfully moves for leave to file an unopposed motion for an initial extension of time to respond to Plaintiffs Jill Hines’s and Jim Hoft’s First Amended Complaint [Doc. #77]. In support, Aspen states as follows:

1. Aspen was added as a defendant in this action in an amended complaint filed on October 17, 2023. [Doc. #77]. Aspen was not served, however, until November 13, 2023, making its deadline to respond December 4, 2023. [Doc. #87].

2. On November 15, 2023, the Court entered an Order denying a Motion to Compel Arbitration filed by the original defendants. [Doc. #88]. That Order inadvertently referred to Aspen as having joined in that motion [*id.*, at p. 1 n.1], although in fact, Aspen had not yet appeared and did not join in the Motion to Compel Arbitration when it was filed or before the Order was issued [Doc. #69, p. 1].

3. After the original defendants appealed that Order denying the original defendants’ Motion to Compel Arbitration, on November 17, 2023, the Court entered an Order holding that “[p]ursuant to the Supreme Court of the United States’ ruling in *Coinbase, Inc. v. Bielski*, 599 U.S. 736 (2023), this case is automatically stayed” during the appeal [Doc. #92, p. 1]. The Court further ordered that this case be administratively terminated, and that “[a]ll

pending deadlines and motions are stayed, to be re-urged by counsel when the time is right.”

Id.

4. Although the Court administratively terminated the case during the original defendants’ appeal, the claims against Aspen are not subject to the appeal and thus, are not stayed. *See Coinbase, Inc.*, 599 U.S. at 740-741. Accordingly, Aspen seeks leave to file an Unopposed Motion for an Extension of Time to respond to plaintiffs’ First Amended Complaint, which deadline otherwise would be December 4, 2023. Good cause exists to grant leave, as the requested extension would conserve party and judicial resources, and no party would be prejudiced by granting Aspen leave to file an extension motion.

5. By filing this motion, Aspen does not waive any objections to this Court’s jurisdiction or venue, and expressly preserves its right to move to dismiss under Federal Rule of Civil Procedure 12(b)(2) and/or Rule 12(b)(6) or to transfer the case. Aspen further preserves its right to file its own motion to compel arbitration.

WHEREFORE, Aspen respectfully requests leave to file the attached Motion for Extension of Time to File Responsive Pleadings to Plaintiffs’ First Amended Complaint.

Dated: November 30, 2023

Respectfully submitted,

COOK, YANCEY, KING & GALLOWAY,
A Professional Law Corporation

By: /s/ Elizabeth M. Carmody
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ATTORNEYS FOR DEFENDANT ASPEN
INSTITUTE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing was filed with the United States District Court for the Western District of Louisiana by electronic case filing/case management. Notice of this filing will be sent to all counsel of record by operation of the electronic case filing system.

Shreveport, Louisiana, this 30th day of November, 2023.

s/ Elizabeth M. Carmody

OF COUNSEL